

JN:PJC/GSM
F. #2021R00254

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ORLANDO SANAY,
KEILY NUNEZ,
KEIMI NUNEZ,
MICHAEL PIMENTEL VELOZ
and FANNY PLASENCIA,

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Commit Wire Fraud)

1. In or about and between April 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ORLANDO SANAY, KEILY NUNEZ, KEIMI NUNEZ, MICHAEL PIMENTEL VELOZ and FANNY PLASENCIA, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the United States Small Business Administration ("SBA"), and to obtain money and property from the SBA by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, SANAY, KEILY NUNEZ, KEIMI NUNEZ, VELOZ and PLASENCIA did transmit and cause to be transmitted, by means of wire communications in

I N D I C T M E N T

1:21-cr-00496(RJD)(MMH)

Cr. No. _____
(T. 18, U.S.C., §§ 371, 981(a)(1)(C),
1343, 1349, 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

interstate and foreign commerce, one or more writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Theft of Public Funds)

2. In or about and between April 2020 and August 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ORLANDO SANAY, KEILY NUNEZ, KEIMI NUNEZ, MICHAEL PIMENTEL VELOZ and FANNY PLASENCIA, together with others, did knowingly and willfully conspire to embezzle, steal, purloin and convert to their own use and the use of others, without authority, money and things of value of the United States and a department and agency thereof, to wit: the SBA, the value of which exceeded \$1,000, contrary to Title 18, United States Code, Section 641.

3. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants ORLANDO SANAY, KEILY NUNEZ, KEIMI NUNEZ, MICHAEL PIMENTEL VELOZ and FANNY PLASENCIA, together with others, did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about April 1, 2020, PLASENCIA submitted SBA application number ending in 4044, resulting in the disbursement of \$150,000 in SBA funds.

(b) On or about April 3, 2020, SANAY submitted SBA application number ending in 3890, resulting in the disbursement of \$150,000 in SBA funds.

(c) On or about July 12, 2020, KEILY NUNEZ submitted SBA application number ending in 0493, resulting in the disbursement of \$67,500 in SBA funds.

(d) On or about July 13, 2020, KEIMI NUNEZ submitted SBA application number ending in 6386, resulting in the disbursement of \$80,500 in SBA funds.

(e) On or about July 18, 2020, VELOZ submitted SBA application number ending in 2398, resulting in the disbursement of \$150,000 in SBA funds.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNTS THREE THROUGH SEVEN
(Wire Fraud)

4. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendants ORLANDO SANAY, KEILY NUNEZ, KEIMI NUNEZ, MICHAEL PIMENTEL VELOZ and FANNY PLASENCIA, together with others, did knowingly and intentionally devise a scheme and artifice to defraud the SBA, and to obtain money and property from the SBA by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, SANAY, KEILY NUNEZ, KEIMI NUNEZ, VELOZ and PLACENCIA did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, as set forth below:

Count	Approximate Date of Wire Transmission	Description of Wire Communication
THREE	April 1, 2020	Submission of PLASENCIA's Economic Injury Disaster Loan ("EIDL") application from an Internet Protocol ("IP") address in Jamaica, New York to the SBA server in Des Moines, Iowa.
FOUR	July 13, 2020	Submission of KEIMI NUNEZ's EIDL application from an IP address in Long Island City, New York to the SBA server in Des Moines, Iowa.
FIVE	July 15, 2020	Submission of SANAY's EIDL application from an IP address in Long Island City, New York to the SBA server in Des Moines, Iowa.

SIX	July 18, 2020	Submission of VELOZ's EIDL application from an IP address in Jamaica, New York to the SBA server in Des Moines, Iowa.
SEVEN	August 7, 2020	Submission of KEILY NUNEZ's EIDL application from an IP address in Jamaica, New York to the SBA server in Des Moines, Iowa.

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATIONS
AS TO COUNTS ONE THROUGH SEVEN

5. The United States hereby gives notice to the defendants charged in Counts One through Seven that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses, including but not limited to:

(a) approximately \$115,768.84 in United States currency, formerly on deposit in Bank of America account number ending in 0539, held in the name of Keimi Nunez, and all proceeds traceable thereto;

(b) approximately \$40,000.00 in United States currency, formerly on deposit in TD Ameritrade account number ending in 3012, held in the name of Orlando Sanay, and all proceeds traceable thereto;

(c) approximately \$20,000.00 in United States currency, formerly on deposit in TD Ameritrade account number ending in 3421, and all proceeds traceable thereto;

(d) approximately \$32,003.72 in United States currency, formerly on deposit in JP Morgan Chase Bank account number ending in 0023, held in the name of MP Transport USA, LLC, and all proceeds traceable thereto;

(e) approximately \$60,710.27 in United States currency, formerly on deposit in Citibank account number ending in 0932, held in the name of Orlando Sanay, and all proceeds traceable thereto; and

(f) one 2021 Mercedes Benz GLE SUV, bearing Vehicle Identification Number DD4JGFB6BB9MA322153, registered to Keily Nunez, and all proceeds traceable thereto.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

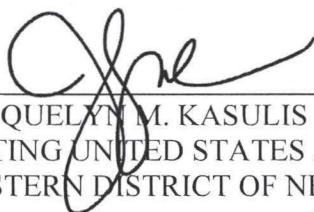
seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON



JACQUELYN M. KASULIS
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2021R00254
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ORLANDO SANAY, KEILY NUNEZ, KEIMI NUNEZ, MICHAEL
PIMENTEL VELOZ and FANNY PLASENCIA,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 371, 981(a)(1)(C), 1343, 1349, 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.

_____ *Scott S. Goldstein*

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Patrick J. Campbell, DOJ Trial Attorney (718) 254-6366
Garen S. Marshall, Assistant United States Attorney (718) 254-6569*